

**MINUTES
HAZLETON CITY COUNCIL
LIQUOR LICENSE TRANSFER HEARING
AUGUST 11, 2021**

Council met in Council Chamber and via ZOOM Teleconferencing regarding the transfer of a liquor license on Wednesday, August 11, 2021. Mr. Perry called the meeting to order at 5:41 p.m.

Council President James Perry, Council Vice President Anthony Colombo, and Council Members Allison Barletta, Lauren Sacco, and Jack Mundie were present. Also present were Mayor Jeff Cusat, Atty. Sean Logsdon, Police Chief Brian Schoonmaker and Ralph Sharp. Attorney John P. Rodgers representing the law firm of Caverly, Shea, Phillips & Rodgers, P.C. was also present.

Perry stated, " Good evening, my name is Jim Perry, President of the Hazleton City Council. All council members are in attendance, and I open this public hearing at 5:30 p.m. concerning the proposed transfer of Liquor License Number, R-4736 from Plains Township to Hazleton City".

Perry said, "these proceedings are being transcribed by a court reporter, but, not at this time, so only one person should be speaking at a time, keep all communication verbal, and try to keep your voice clear and legible. Let's review some preliminary matters. He asked the applicant and his counsel to please identify yourselves and give us your addresses. Section 461 of the PA Liquor Code authorizes the Liquor Control Board to approve the transfer of liquor licenses across municipal boundaries within the same county for the purpose of economic development. Subsection b.3 of Section 461 requires that an intermunicipal transfer must first be approved by the governing body of the receiving municipality". Perry stated, "this is why we are here tonight". Perry said, "Subsection b.3 also requires that Hazleton City, as the receiving municipality, issue a resolution approving or disapproving the intermunicipal transfer. Subsection b.3 mandates that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within Hazleton City concerning the intent to transfer the license into Hazleton. On July 16, 2021, Meat Save Corp.'s request for the proposed intermunicipal transfer was received by City Council".

Perry stated he will first open the matter up to the applicant to present its request to council. He will, then, allow any council member or City official the opportunity to ask any questions they have. After that, he will open the matter up for comments and recommendations from interested individuals residing within Hazleton City.

Atty. Rodgers said he represents Food Universe, the trade name the company goes by. He said they are located at 536 West Broad Street, the shopping center where Save-A-Lot was, in the past, and before that it was Acme. He distributed copies of their plans to all city council members. Rodgers said, when walking in the establishment, on the right side, are coolers and beer on shelves. He said they need to have 30 seats because this is required, by the Liquor Code, due to the R license. Rodgers said they do not plan to have people sitting there. He also passed out their policy and procedures. Mundie asked Rodgers if this is to sell beer and wine. Rodgers said yes. He said they did get a wine permit because there was a liquor store there but is now closed. He stated they are going to limit consumption, on the premises, because under the Liquor Code, for an R license, they could get a fine because if a LCB agent, comes in, and has a beer, and "sits down". He said they want people to only drink two. Rodgers stated it is a grocery store and customers could buy the beer and go to the cash register and "that is it". He said they need to put sitting there, but it is, mostly, beer and wine on the shelves. He said it consists of the coolers with beer and wine on the shelves. Rodgers said this will be the extent of their operations.

Atty. Rodgers asked Evan Fernandez what the hours of operation are. Evan Fernandez stated 8:00 a.m.- 9:00 p.m. Atty. Rodgers said they operate every day. He said they will be selling beer, every day, from 8:00 a.m. -9:00 p.m. except Sundays, from 9:00 a.m.- 9:00 p.m. Rodgers asked Fernandez if there is

entertainment. Fernandez said no. He said they do not want a crowd, hanging out, because it is a grocery store. He said his establishment is more "family-oriented". He said there are always kids there. Perry and Barletta said this is the same as at Weis and Giant Food Stores. Rodgers said he will have signs, stating, in his establishment, "No Underage or Visibly Intoxicated People". He said they will have a carding machine to check driver's license so there is no issue with kids going to buy liquor. Rodgers said because it is an R license, they are not allowed to sell cases or kegs of beer. He stated they need to limit to two six packs. Perry asked if they could buy their liquor separately from the food. Rodgers said yes. He said one register would be devoted to this. He said they could run everything "through the one register", but not alcohol sales. Rodgers stated Wegman's do this. He said they run, through one register, the beer and wine sales, and the registers run everything else.

Perry asked if anyone, in the audience, would like to comment. No comments were given.

Atty. Rodgers gave the Fee Agreement, signed by Evan Fernandez, to Atty. Logsdon. Atty. Logsdon stated he will give this to the City Clerk. Rodgers said Fernandez agrees to pay all costs for advertising. Rodgers said for the City to send him the bill for "whatever".

Mundie asked Atty. Rodgers how much wine they could sell. Atty. Rodgers said two bottles.

Atty. Logsdon said he will have the City Clerk send him a certified resolution.

Perry said, "Council will consider the request and may vote on the same during its regular meeting following this hearing. The standard Council will apply in deciding this request for transfer is whether the proposed intermunicipal transfer will adversely affect the welfare, health, peace and morals of this City of the residents".

Perry adjourned the Intermunicipal Liquor License Transfer hearing at 5:50 p.m.